

2 Ct
Propo.

ORIGINAL (32)

5/22/01
~b


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JERRY MASON,
Petitioner
v.

:
: Civil No. 1:00-CV-1490
:

ROBERT W. MEYERS,
Superintendent,
Respondent

: (Magistrate Judge Smyser)
:
:

FILED
HARRISBURG
MAY 21 2001
MARY E. D'ANDREA, CLERK
Per  DEPUTY CLERK

PETITIONER'S MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE BRIEF

AND NOW comes the petitioner, Jerry Mason, by his attorney Daniel I. Siegel of the Federal Public Defender's Office, and files this Motion for Extension of Time Within Which to File Brief.

1. A brief in support of the habeas corpus petition is due to be filed on or before Monday, May 21, 2001.
2. Among the issues raised by the petitioner is whether an eyewitness identification was unconstitutionally tainted.

3. The Federal Public Defender's investigation of the eyewitness identification claim is ongoing (See Exhibit A, Investigative Report of May 15, 2001, filed under seal).

4. Defense counsel would like an opportunity to complete this line of investigation before filing the brief in support of the petition.

5. Petitioner requests that the deadline for filing a brief in support of the petition be extended to Monday, June 25, 2001.

6. Because the petitioner is incarcerated, the Commonwealth will not be prejudiced by this delay.

7. The Commonwealth concurs in this motion for continuance.

WHEREFORE, it is respectfully requested that the deadline for filing petitioner's brief in support of petition for writ of habeas corpus be extended to Monday, June 25, 2001.

Date:

May 21, 2001

Respectfully submitted,

Daniel I. Siegel

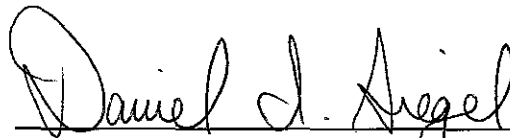
Daniel I. Siegel, Esquire
Asst. Federal Public Defender
100 Chestnut Street, Suite 306
Harrisburg, PA 17101
Attorney for Jerry Mason
Attorney ID # 38910

CERTIFICATE OF CONCURRENCE

I, Daniel I. Siegel, of the Federal Public Defender's Office certify that on May 21, 2001, I contacted Assistant District Attorney Frank P. Barletta and he stated that he would concur in the foregoing motion.

Date: _____

May 21, 2001



DANIEL I. SIEGEL, ESQUIRE
Asst. Federal Public Defender

CERTIFICATE OF SERVICE

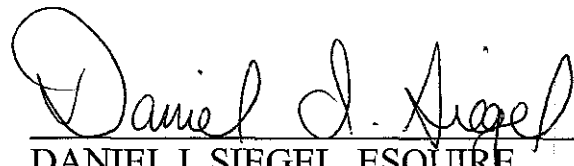
I, Daniel I. Siegel, of the Federal Public Defender's Office do hereby certify that on this date I served a copy of **PETITIONER'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF** by placing the same in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Frank P. Barletta, Esquire
Assistant District Attorney
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711

Jerry Mason
Inmate No. BK-6012
SCI Rockview
PO Box A
Bellefonte, PA 16823

Date:

May 21, 2001


DANIEL I. SIEGEL, ESQUIRE
Asst. Federal Public Defender
Attorney for Jerry Mason